

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LUVETRIA GAMBILL, individually and as	)	
parent and natural guardian of CARLOS	)	
TATE, an infant, on behalf of themselves	)	No. CA02-200 (Erie)
and all other persons similarly situated,	)	
	)	
Plaintiffs,	)	Judge Cohill
	)	
v.	)	
	)	
THE HOUSING AUTHORITY OF THE	)	
CITY OF ERIE, a Pennsylvania Housing	)	
Authority,	)	
	)	
Defendant.	)	

**CONSENT DECREE**

AND NOW, this 8<sup>th</sup> day of August, 2007, Plaintiffs and Defendant, The Housing Authority of the City of Erie, stipulate to and the Court approves the following Consent Decree:

1. The Housing Authority of The City of Erie (hereinafter "HACE"), administers a Section 8 program through which rent subsidies are provided to eligible low-income individuals and families.
2. HACE inspects all Section 8 dwelling units within its Section 8 program at the time of the inception of the initial Section 8 lease and at least annually thereafter for conformance to Housing Quality Standards (hereinafter "HQS"). As part of these inspections, HACE does and shall perform a visual inspection for deteriorated paint as defined by 24 CFR §35.110 in all dwelling units constructed prior to 1978 that are occupied by a family that includes a child under six (6) years of age (hereinafter the "Unit").

**EXHIBIT 1**

3. When HACE learns of deteriorated paint in an existing or prospective Section 8 Unit due to the performance of an HQS inspection or otherwise, HACE shall promptly advise the Section 8 tenant and the owner or landlord of the Unit of the existence and specific location of all known deteriorated paint and advise tenant of the following actions which must be taken by the owner and/or landlord: (1) stabilize each deteriorated paint surface in accordance with 24 CFR §35.1330(a) and (b), or abate such condition in accordance with 24 CFR §35.1325; (2) ensure that such is performed and/or supervised by someone with proper training and/or certification in treatment of lead-based paint hazards; (3) knows of the prohibited methods of paint removal per 24 CFR §35.140; (4) must obtain a clearance examination under 24 CFR §35.1340 following completion of the work. HACE shall also advise the owner and/or landlord that they may contact the Redevelopment Authority of the City of Erie to find out who may perform such an evaluation.

4. Unless the owner and/or landlord furnishes results of a clearance examination of the Unit in question performed in accordance with 24 CFR §35.1340, within the applicable time limits set forth in 24 CFR §35.1215(b), or otherwise extended by HACE for reasons permitted under 24 CFR §35.1215(d), HACE will terminate its contract with the owner and/or landlord with respect to that Unit, or otherwise take appropriate action in accord with applicable statutes and/or regulations.

5. If HACE receives results of the clearance examination for the Unit, within an allowable timeframe set forth in paragraph 4, HACE will visually inspect the Unit to confirm that all painted surfaces are intact and are no longer in a deteriorated condition.

6. If an owner and/or landlord does not address all deteriorated paint within thirty (30) days from the date of notification by HACE pursuant to 24 CFR §35.1215(b), or

within the extension period properly granted by HACE pursuant to 24 CFR §35.1215(d), and/or does not timely submit the results of a clearance examination for the Unit in question performed in accordance with 24 CFR §35.1340, HACE shall terminate its contract with the owner and/or landlord with respect to that particular Unit, or otherwise take appropriate action in accord with applicable statutes and/or regulations.

7. In the event a contract between HACE and an owner and/or landlord is terminated with respect to a particular Unit, HACE will not perform an initial evaluation for a new Section 8 tenant with respect to that particular Unit until it receives results of a clearance examination of the particular Unit performed in accordance with 24 CFR §35.1340.

8. If a contract between HACE and an owner/or landlord is terminated with respect to a particular unit, HACE will offer the tenant and/or participating family a voucher to move. In addition, HACE will give the tenant and/or participating family a list identifying landlords and owners who have expressed an interest in renting to Section 8 tenants in the Erie, Pennsylvania, area.

9. At lease inception, HACE shall review, and provide to the tenant and/or participating family, a form published by the Department of Housing and Urban Development ("HUD") which contains information regarding deteriorated paint, lead hazards and information regarding the testing of children for lead poisoning.

10. This Consent Decree is not intended to and does not supersede any and all statutes or regulations that have been enacted and/or will be enacted that will address the elimination or reduction of lead-based paint hazards present in Section 8 housing. Rather, the

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terms of this Consent Decree are to be read and enforced in conjunction with any other such statutes or regulations.

BY THE COURT:

Maurice B. Cohill, Jr.

Cohill, J.  
United States District Judge